

NOV 16 1983
Proschau
Lockwood

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PLEASE REPLY TO ROSELAND

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*N.Y. BAR ONLY

November 9, 1983

Mr. Fred Rubel
Chief, Emergency Response Branch
USEPA Region II
ER & HMI Branch
Woodbridge Avenue
Edison, New Jersey 08837

Dear Mr. Rubel:

This firm represents Newark Boxboard Co., 17 Blanchard Street, Newark, New Jersey 07105. This follows our telephone conversation and will acknowledge receipt of USEPA's Notice to Responsible Party under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Form 8900-1) issued October 19, 1983. Two such notices were sent on the same date, one addressed to Recycle Fibers Corp. of New Jersey and the other to Newark Boxboard Co. Both notices refer to "releases of dioxin" that have allegedly occurred at "55 Lockwood Street, 99-107 Lockwood Street, Raymond Boulevard, Euclid Avenue, and environs, Newark, New Jersey."

As a matter of clarification, Recycle Fibers Corp. of New Jersey is part of Newark Boxboard Co. and has no independent corporate existence. Newark Boxboard Co. owns and operates various paper mills around the country, including one such mill in Newark. The property known as 99-107 Lockwood Street, Block 2411, Lot 9, is owned by Newark Boxboard Co. It was acquired some years ago to store wastepaper and has not been used for any purpose by the company for about three years. The company leased the property

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to the scrap metal dealer Brady Metal. According to newspaper accounts, apparently 99-107 Lockwood Street has some low levels of dioxin on the property or on equipment stored there by Brady.

We are at a loss to understand the reference to 55 Lockwood Street in your notice because that property is the "back door entrance" to Newark Boxboard's Blanchard Street property and has not to our knowledge been tested or associated in any way with any dioxin contamination.

In any event, while Newark Boxboard Co. acknowledges that it is the owner of record of certain property referred to in your notice, it does not accept the designation that it is a responsible party under and pursuant to the provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Newark Boxboard Co. has never engaged in the disposal of any hazardous substances with respect to the property, nor has any person with its knowledge or consent been authorized to engage in any such activities on the property. Moreover, from newspaper accounts, it does not appear that any party engaged in hazardous substance treatment or disposal at 99-107 Lockwood. It certainly could not have been expected that permitting the use of the property for storage of certain scrap metal by Brady Metal would or could result in the release or threatened release of hazardous substances.

Notwithstanding the disclaimer of liabilities set forth in this letter, we wish to be cooperative with USEPA to insure full and complete access to the property for any purposes you deem necessary. Moreover, to the extent that as a result of the conditions alleged to exist at the site, the company incurs any costs, such costs will be incurred consistent with the National Contingency Plan and in due course the company shall submit a claim for reimbursement pursuant to §112 of the Act. In order for the company to be fully apprised of the conditions at the site, and the response actions taken and to be undertaken (if any) by USEPA or by potentially responsible parties, I would like an opportunity to meet with you and to obtain from you copies of laboratory results and other pertinent information. Please advise me when we can meet to discuss the situation and share information.

Very truly yours,

Michael L. Rodburg

MLR:wpc

cc: John W. Witkowski, On-Scene Coordinator
Donald M. Ochacher, Esq.

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